

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH PATTON,

Petitioner,

Civil Action No.

10-cv-12790

vs.

HON. MARK A. GOLDSMITH

ARCHIE LONGLY, et. al.,

Defendants

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING
PETITIONER'S APPLICATION FOR HABEAS RELIEF**

This matter is presently before the Court on the Report and Recommendation ("R&R") of Magistrate Judge Paul Komives, entered on August 1, 2011 (Dkt. 16). The Magistrate Judge recommends that the Court deny Petitioner's application for writ of habeas corpus filed July 15, 2010 and deny Petitioner a certificate of appealability. Petitioner has not filed objections to the R&R and the time to do so has expired. Thus, Petitioner has waived any further right to appeal. Thomas v. Arn, 474 U.S. 140, 155 (1985). Petitioner has stated a number of grounds for his habeas application arising from alleged delay in the processing of his case, including a violation of his right to a speedy trial, pre-indictment delay, and a violation of the Interstate Agreement on Detainers. In addition, Petitioner claims that the trial court erred in failing to award him credit for the time served in federal custody. For all these claims, the Court has reviewed the R&R and finds that the Magistrate Judge has reached the correct result for the correct reasons. The Court concludes that the state courts' resolution of petitioner's claims did not result "in a decision that was contrary to, or which involved an unreasonable application of, clearly established federal law." 28 U.S.C. § 2254(d).

Accordingly, the Magistrate Judge's R&R (Dkt. 16) is accepted and adopted as the findings and conclusions of the Court. Petitioner's application for habeas relief is denied. In addition, the Court concludes that Petitioner has not made a "substantial showing of the

denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Accordingly, the Court denies petitioner a certificate of appealability.

SO ORDERED.

Dated: January 18, 2012
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 18, 2012.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager